



City of Seattle

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**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3012449

**Applicant Name:** Tom Maul

**Address of Proposal:** 16 West Boston Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 1,140 square foot first and second story addition to an existing single family residence and establish an accessory dwelling unit within the structure. Existing deck to be demolished and replaced.

The following approval is required:

- **Variance** - To allow a portion of principal structure to extend into the required front yard. (Seattle Municipal Code Section **23.44.014A.1**).
- **Variance** - To allow expansion of a non-conforming structure. (Seattle Municipal Code Section **23.44.014D.4.c**).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

**BACKGROUND DATA**

**Proposal Description**

The applicant proposes to construct a first and second floor addition to an existing one story residence. The addition would increase the size of the 825 square foot structure to 1,965 square feet. The porch and a portion of the subject house sit within the required ten foot front yard. A portion of the steps to the porch lies within the right-of-way. The plans submitted to DPD illustrate a rebuilt front porch, a new separate entry with stairs to a second floor accessory

dwelling unit (ADU) which would extend into the front yard. The proposal also includes a redesign of all of the facades; however, the east, west and north elevations remain within the side and rear setbacks. The steps within the right of way would be rebuilt.

The proposal would expand an existing non-conforming structure and allow the principal structure to extend into the front yard by extending the lower and upper level of the house into the front yard.

### Subject Site and Vicinity

The subject site lies on an undersized property of 1,800 sq. ft. on the top of Queen Anne hill. West Boston St. and an alley form the lot's perimeter on the south and east respectively. The porch of the existing house lies at the front property line within the front yard setback. Side and rear yards are conforming. A parking pad on the north side of the property is accessed from the alley. Along the north side of Boston from the adjacent alley to the street's terminus at W. Third Ave, all but one of the thirteen parcels are undersized. The subject lot, in fact, is among the smallest. For most of the houses fronting onto W. Boston, the structures lie at or quite close to the front property line, legally non-conforming to front yard regulations.

### Public Comment

The comment period ended July 27th, 2011. DPD received several comment letters and calls. These focused on the incompatibility of the proposed design with that of the houses along W. Boston St. and the alleged operation of the house as solely for commercial use.

### ANALYSIS - VARIANCE

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The small size of the lot, 1,800 square feet, equals 36 percent of the size of a typical city of Seattle single family parcel (5,000 square feet). Horizontal expansion of the small structure (825 square feet) occupying the site would create more land use related non-conformance for the side (west) and rear yards. The applicant chooses to rebuild the front porch and to create a habitable second floor that would extend over the porch into the ten foot front yard. Extending the structure five feet to the east property line, allowed by Land Use Code, would not create sufficient space for the homeowner's needs and places the structure directly on a busy alley used to service the commercial use facing Queen Anne Avenue. Along the alley extending north from West Boston St. to W. McGraw St. all but one other residential structure has their rear yard facing the alley.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The total lot coverage of the structure would increase by approximately 95 square feet, a result of proposing to extend the north and west elevations to the fullest extent and remain within the legal setbacks. Most of the addition would comprise a second floor above the existing footprint. Of the 13 single family houses along the north side of W. Boston St. from the alley east of the subject property to its terminus at Third Ave W., 11 of the structures appear to have zero lot line conditions at the front yard. Property owners of five of these homes would be able to expand their non-conforming houses in a similar manner to the applicant's request without applying for a variance. A property owner with adjacent neighbors who possess zero front lot lines is allowed to build to the front property line. The subject property has a commercial property with its zero side setback to the east and a single family property with a zero front yard to the west. According to the Land Use Code, the commercial property's zero lot line cannot be averaged with the neighbor's zero set back to the west. The applicant must average 20 feet (stipulated by SMC.23 86.010B.1.b) and zero feet to equal a ten foot yard.

To allow a second floor above an existing porch in the front yard does not go beyond the minimum necessary to afford relief or constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is located.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

The proposal would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would greatly restrict the size of the subject home on this undersized lot. Were the commercial structure across the alley a single family residence in a single family zone built to the front lot line, the owner of the subject lot would be able to build the proposal without seeking a variance.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space.

The variance request appears consistent with the spirit and purpose of the Land Use Code.

**DECISION – VARIANCE**

Variance to allow a portion of principal structure to extend into the required front yard is **GRANTED**.

Variance to allow expansion of a non-conforming structure is **GRANTED**.

Signature: \_\_\_\_\_ (signature on file) Date: January 30, 2012

Bruce P. Rips, Sr. Land Use Planner  
Department of Planning and Development

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